City of Lafayette Staff Report

For:	City Council
By:	Ann Merideth, Community Development Director
Date Written:	March 18, 2008
Meeting Date:	March 24, 2008
Subject:	Encroachment permits for temporary community event signage on public property

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Summary

At its March 10 meeting, the City Council considered an encroachment permit request to place temporary noncommercial signage at Buckeye Fields. Council discussed the request, and asked staff to return with more information on the requirements for such signage in the previous Sign Ordinance and current Sign Ordinance. The requirements were amended last year in response to the Crosses display.

Background and Discussion

The Sign Ordinance was amended in June 2007 and became effective in July. The amendment was initiated in response to many of the issues raised with the installation of the Crosses memorial display. One of the changes included in the amendment was the regulation of temporary signage for noncommercial events. Typically, these are banners announcing City-sponsored or other community events, such as festivals and concerts.

What the Sign Ordinance required prior to July 2007

- Such a banner was considered a community event sign – a sign which announced a community-oriented event or charitable cause.
- It could not be placed on a tree or a utility pole.
- It had to be removed immediate after the event.
- If the banner were placed across or within public right-of-way, then it required an encroachment permit from the City Council.
- If the banner were City-owned or City-sponsored, whether permanent or temporary, it was exempt from the signage requirements.
- The exception was when the banner was six square feet or more in area; it then was subject to approval by the Planning & Building Services Manager.

What the Sign Ordinance requires since July 2007

- A sign that announces a community-oriented event or charitable cause and advertising support of, or opposition, candidate, proposition or cause is a temporary noncommercial sign.

- Such a sign is intended to be used and in place for a period of less than 90 days.

- A temporary noncommercial sign that is less than six square feet in area is exempt from sign requirements.

- In addition, a temporary noncommercial sign that is less than 12 square feet in area is exempt from sign requirements when –
  - It is on property that contains a residential use or located within a residential zoning district;
  - It is not located on a roof or extend above the ground floor of a residence;
  - It is not illuminated;
  - It is not over six feet in height; and
  - The total aggregate of all signs on the parcel, including exempt signs, does not exceed 80 square feet (of which only 32 square feet may be permanent).

- In addition to the 80 square feet aggregate, each residential parcel may contain an additional 180 square feet for an additional total of 45 days or less in a calendar year if each temporary noncommercial sign is a maximum of 12 square feet and six feet in height. In this instance, each of the signs is exempt from sign requirements.

- Aggregate sign area includes all signage permitted on a single building or parcel. This includes government, informational, direction, safety, commercial message, and noncommercial message signs.

- Any sign placed across public right-of-way or on public or publicly maintained property is prohibited unless the City Council approves an encroachment permit.

What these requirements mean for temporary noncommercial signage at Buckeye Fields, which is on public property in a residential zone

- All existing signage counts toward the aggregate total. The existing signage is estimated to be 500-600 square feet since it in identification, directional, government, scoreboard (noncommercial message), and sponsor signs (commercial message).

- To add temporary noncommercial signage that is exempt from the sign regulations, much of the existing signage would have to be removed.

- To exceed the exempt standards, the new signage would require a variance and sign permit. If it exceeded the exempt standards but complied with the maximum area and height per sign and total aggregate area standards, the Planning & Building Services Manager can approve a sign permit. If it exceeds the maximum area and height per sign and total aggregate area standards, a variance is required.

- Because the site is public property, signage requires an encroachment permit from the City Council.

What these requirements mean for temporary noncommercial signage at the current Library, which is on public property in a residential zone

- The existing signage counts toward the aggregate total. The existing signage is estimated to be 100 square feet. This includes the Library identification, Friends Book Sale, informational, and directional signage.

- For signage to be exempt from the sign requirements, it would have to total 80 square feet or less (180 minus 100 sf) if in place 45 days or less in a calendar year, and each sign is not larger than 12 square feet (or a total of six signs).

- If it exceeded the exempt standards, the signage would require a variance and sign permit. If it exceeded the exempt standards but complied with the maximum area and height per sign and total aggregate area standards, the Planning & Building Services Manager can approve a sign permit. If it exceeds the maximum area and height per sign and total aggregate area standards, a variance is required.

- Because the signage is on public property, it requires an encroachment permit from the Council.

What these requirements mean for temporary signage at the new Library, which is on public property in a commercial zone

- The frontages are 165 feet on Mount Diablo Blvd, 225 feet on First Street frontage, and 345 feet on Golden Gate Way.

- The maximum aggregate signage allowed, based on the frontage lengths, is 200 square feet.

- The existing signage is estimated to be 100-200 square feet in informational and directional signage.

- Temporary noncommercial signs are allowed as long as they comply with the requirements of the Sign Ordinance –not larger than three square feet if permanent, not larger than six square feet if temporary.

- These signs will count toward the aggregate, but the standards for residential properties and zoning districts will not apply.

The conclusion is that no additional temporary noncommercial signage would be allowed at Buckeye Fields without a variance, and only a limited additional signage would be allowed at the current Library without a variance.

Prior to July 2007, the City Council acted on two City-sponsored signs: the LASF sign at the northeast corner of Mount Diablo Blvd. and Moraga Road; and a sign for the Library fundraising campaign before the old Veterans Building was demolished. Since July 2007, the City Council approved on January 28 a list of requests from the Chamber of Commerce for the Art & Wine Festival, including a variance for three banners. However, there were no details about these banners in terms of sizes or locations.

Recommendation

Discuss and direct staff.